

**REMARKS**

The Office Action of October 5, 2006 has been received and reviewed. Claims 20, 21, 23, 24, 26-28, 30, 44-46, 48 and 49 are currently pending in the application. Claims 34, 37, 43, 48 and 49 stand rejected. Claims 20, 21, 23, 24, 26-28, 30 and 44-46 are allowed. Claims 34, 37, 43, 48 and 49 have been cancelled herein. All cancellations and amendments are made without prejudice or disclaimer. Reconsideration is respectfully requested.

**Interview**

Applicants' representatives thank the Examiner for extending them the courtesy of an interview on December 14, 2005. In particular kit claims 34, 37, 43, 48 and 49 were discussed and possible amendments thereto. The Examiner stated that if the kit claims were amended to recite a combination of nucleotide analogs not found in the references, he would enter such an amendment.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 34, 37, 43, 48 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunn et al., U.S. Patent No. 5,213,961 (hereinafter referred to as "Bunn et al.") in view of Kaiser et al., U.S. Patent No. 5,843,669 (hereinafter referred to as "Kaiser et al."). (See, Office Action of October 5, 2005, at pages 3-6, hereinafter referred to as "Office Action"). Applicants traverse the rejection as hereinafter set forth.

Although Applicants do not agree that claims 34, 37, 43, 48 and 49 are obvious in light of Bunn et al. and/or Kaiser et al., Applicants have cancelled claims 34, 37, 43, 48 and 49 without prejudice or disclaimer, thus obviating the rejection.

Reconsideration and withdrawal of the obviousness rejection of claims 34, 37, 43, 48 and 49 are requested.

Application No. 09/485,298  
Amendment dated February 6, 2006  
After Final Office Action of October 5, 2005

Docket No.: 1422-0411P

## **CONCLUSION**

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$120.00 is attached hereto.

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Registration No 57,374 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: February 6, 2006

Respectfully submitted,

By Marc S. Weiner  
Marc S. Weiner

Registration No.: 32,181  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant